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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,214	03/27/2001	Daniel Mark Hutchinson	RCA 89203	5066

7590 09/26/2003

Joseph S Tripoli  
Thomson Multimedia Licensing Inc  
P O Box 5312  
Princeton, NJ 08540

EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/806,214

Applicant(s)

HUTCHINSON, DANIEL MARK

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10--11 is/are rejected.
- 7) ☒ Claim(s) 9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim states "wherein an input to said digital-to-analog converter has multiple bits and less than one bit is used...", emphasis is placed on "less than one bit". The specification page 6, line 5 states "less than 6 bits". However, nowhere in the specification does the applicant provide the description of using less than one bit.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Renner et al., US 6,219,107.

In considering claim 1,

*a) the claimed a control signal source is met by microprocessor 106 (Fig 1)*

*b) the claimed a mute circuit coupled to said control signal source is met by microprocessor 108 which provides the gain to AGC 110 (Fig 1)*

*c) the claimed a video level circuit coupled to said control signal source, where a first portion of a control signal from said control signal source controls said mute circuit and a second portion of said control signal controls said video level circuit is met by AGC 110 which receives a gain control signal from microprocessor 108 and DC offset voltage circuit 5 (Fig 1) which controls the DC-level shift of the video signal which receives a 2<sup>nd</sup> control signal from microprocessor 108.*

In considering claims 2-3,

*The claimed wherein said control signal source comprises a digital-to-analog converter is met where microprocessor 108 is provided with several digital-to-analog converters (col 4, line 29-38).*

In considering claim 4,

*The claimed further comprising a gain control loop, wherein said gain of said gain control loop is controlled by said video level circuit* is met where the output of the DC-level circuit (105/106) is received by interface circuit 107 which feeds back the sampled levels to microprocessor 108.

In considering claim 5,

*The claimed wherein said mute circuit is coupled to said gain control loop* is met where AGC 110 is coupled to microprocessor 108 which is coupled to interface 107, which is coupled to the output of the DC level circuit 105 (Fig 1).

In considering claim 7,

*a) the claimed a buffer circuit* is met by DC offset 105 which receives the offset control from microprocessor 108

*b) the claimed a DC level shifting circuit coupled to said buffer circuit* is met where the DC offset from control input 105 is used in the +/- operations in shifting the DC level of the video signal.

In considering claim 8,

*The claimed wherein said mute circuit when activated deactivates an IF AGC circuit* is met where based upon the gain control signals from microprocessor 108 determines the control of AGC 110.

In considering claim 10,

*a) the claimed providing an IF AGC loop having a level shifting circuit and an IF AGC mute circuit* is met by AGC 110 where system 100 includes a DC level shift 105 (Fig 1),

where the IF AGC mute circuit is performed by microprocessor 108 which controls the gain of AGC 110.

*b) the claimed altering the DC level of a video signal within said IF AGC loop in response to a first portion of a control signal* is met by microprocessor 108 which controls DC offset voltage circuit 5 (Fig 1)

*c) the claimed deactivating said IF AGC loop in response to a second portion of said control signal* is met where microprocessor 108 controls the AGC 110 with a gain control signal (2<sup>nd</sup> portion).

***Allowable Subject Matter***

4. Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

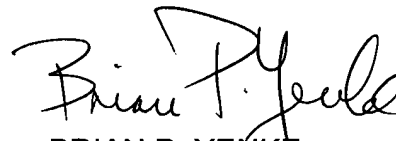
**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-4700.



B.P.Y  
September 20, 2003



BRIAN P. YENKE  
Patent Examiner  
Art Unit 2614